

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michel H. Malek
Title: VERTICALLY ADJUSTABLE
INTERVERTEBRAL DISC
PROSTHESIS
Appl. No.: 10/675,573
Filing Date: 9/30/2003
Examiner: Suba GANESAN
Art Unit: 3738
Confirmation Number: 9969

AMENDMENT AND REPLY UNDER 37 C.F.R § 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is responsive to the Final Office Action, dated January 12, 2007, concerning the above-referenced patent application. The three-month, shortened statutory period for reply is set to expire on April 12, 2007. Thus, Applicant believes this response to be timely filed.

Applicant does not believe any fees are due with this response, however the Commissioner is hereby authorized to charge any fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check or credit card payment

form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2350.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this document.

Remarks/Arguments begin on page 9 of this document.

Please amend the application as follows: